

# **Exhibit 13**

ROBERT CHAVEZ  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL and :  
HERMÈS OF PARIS, INC., :  
Plaintiffs, : Civil Action No.  
: 22-CV-00384  
v. :  
MASON ROTHSCHILD, :  
Defendant. :  
----- :

VIDEOTAPE DEPOSITION OF:  
ROBERT CHAVEZ  
NEW YORK, NEW YORK  
WEDNESDAY, JANUARY 11, 2023

REPORTED BY:  
SILVIA P. WAGE, CCR, CRR, RPR  
JOB NO. 5645292

<p style="text-align: right;">Page 10</p> <p>1 ROBERT CHAVEZ</p> <p>2 MR. SPRIGMAN: And also Ret Millsaps</p> <p>3 from Lex Lumina on behalf of Defendant Mason</p> <p>4 Rothschild.</p> <p>5 MR. WARSHAVSKY: And Lisa Gehman,</p> <p>6 G-E-H-M-A-N, is joining -- from Baker Hostetler</p> <p>7 is joining us remotely as well.</p> <p>8 THE VIDEOGRAPHER: And will the Court</p> <p>9 Reporter please swear in the witness and then</p> <p>10 Counsel may proceed.</p> <p>11 THE STENOGRAPHER: Sir, can you</p> <p>12 please raise your right hand, so I can administer</p> <p>13 the oath.</p> <p>14 ROBERT CHAVEZ,</p> <p>15 Hermès of Paris, 55 East 59th Street, New</p> <p>16 York, New York 10022, after having been</p> <p>17 duly sworn, was examined and testified as</p> <p>18 follows:</p> <p>19 THE STENOGRAPHER: Thank you.</p> <p>20 You may proceed.</p> <p>21 EXAMINATION BY MR. WARSHAVSKY:</p> <p>22 Q. Can you please state your name for</p> <p>23 the record.</p> <p>24 A. Robert Chavez.</p> <p>25 Q. Mr. Chavez, are you employed?</p>	<p style="text-align: right;">Page 12</p> <p>1 ROBERT CHAVEZ</p> <p>2 your personal history, very briefly.</p> <p>3 Where did you grow up?</p> <p>4 A. I grow up on in the south side of San</p> <p>5 Antonio, Texas.</p> <p>6 Q. How long did you live there?</p> <p>7 A. I lived there for 18 years.</p> <p>8 Q. Can you tell us about your personal</p> <p>9 educational background growing up there?</p> <p>10 A. Yes. I grew up -- the south side is</p> <p>11 the poorer side of town, so I went to public</p> <p>12 schools. I went to a public elementary school</p> <p>13 and then I attended a public high school.</p> <p>14 Q. Did you go to college?</p> <p>15 A. I did.</p> <p>16 Q. Had where did you go to college?</p> <p>17 A. I went to Princeton University.</p> <p>18 Q. What was your major at Princeton?</p> <p>19 A. (INAUDIBLE) languages and</p> <p>20 literatures.</p> <p>21 Q. Mr. Chavez, I'm just going to ask</p> <p>22 that you wait a beat when I -- after I ask the</p> <p>23 question, so that the Court Reporter can get both</p> <p>24 of us and so that Mr. Oppenheim has an</p> <p>25 opportunity to object.</p>
<p style="text-align: right;">Page 11</p> <p>1 ROBERT CHAVEZ</p> <p>2 A. Yes, I am.</p> <p>3 Q. By whom?</p> <p>4 A. Hermès of Paris Inc.</p> <p>5 Q. That's one of the Plaintiffs in this</p> <p>6 case?</p> <p>7 A. Yes.</p> <p>8 Q. How long have you been employed by</p> <p>9 Hermès of Paris?</p> <p>10 A. Twenty-two and a half years.</p> <p>11 Q. What is your current role at Hermès</p> <p>12 of Paris?</p> <p>13 A. President and Chief Executive</p> <p>14 Officer.</p> <p>15 Q. Has this always been your role?</p> <p>16 A. Yes, it has.</p> <p>17 Q. Can you briefly describe your</p> <p>18 responsibilities as the CEO of Hermès of Paris?</p> <p>19 A. I'm in charge of all aspects of the</p> <p>20 business for Hermès in both the US and Latin</p> <p>21 America including finance, accounting, Human</p> <p>22 Resources, merchandizing, store planning and</p> <p>23 overall strategy of the brand.</p> <p>24 Q. I would like to back up in time a</p> <p>25 little bit and walk us through a little bit of</p>	<p style="text-align: right;">Page 13</p> <p>1 ROBERT CHAVEZ</p> <p>2 A. Yes. Apologies.</p> <p>3 Q. After Princeton University, did you</p> <p>4 go to graduate school?</p> <p>5 A. I did not.</p> <p>6 Q. What did you do after graduating from</p> <p>7 Princeton?</p> <p>8 A. I started working at Bloomingdale's</p> <p>9 in New York City.</p> <p>10 Q. And what position did you have at</p> <p>11 Bloomingdale's?</p> <p>12 A. I started in the executive training</p> <p>13 program.</p> <p>14 Q. How long did you work at</p> <p>15 Bloomingdale's?</p> <p>16 A. I worked at Bloomingdale's for nine</p> <p>17 years.</p> <p>18 Q. And about when was that?</p> <p>19 A. I started in August of 1977 and I</p> <p>20 left in the summer of 1986.</p> <p>21 Q. Did you have any other positions at</p> <p>22 Bloomingdale's?</p> <p>23 A. I did, yes.</p> <p>24 Q. What were those positions?</p> <p>25 A. I had -- I became the assistant</p>

4 (Pages 10 - 13)

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2 Q. Can you tell us what this document

3 is?

4 A. It's the trademark registration for

5 Birkin.

6 MR. WARSHAVSKY: We offer Exhibit 5

7 into evidence.

8 MR. OPPENHEIM: No objection.

9 (Deposition Exhibit 5 was moved into

10 evidence.)

11 Q. Does Hermès own any other trademarks

12 covering the Birkin handbag?

13 A. Yes, we do.

14 Q. And what are those trademarks?

15 A. We own the trademark for the actual

16 shape and design of the bag.

17 Q. When you say, "shape and design," do

18 you mean the configuration of the Birkin bag?

19 A. Yes.

20 Q. Can you turn to Exhibit 6.

21 (Deposition Exhibit 6, trademark

22 configuration of the Birkin HERMES\_0007673 to

23 HERMES\_0007675 and HERMES\_0007961 &

24 HERMES\_0007966, was marked for identification.)

25 A. (The witness complies.)

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2 Q. Have you seen this document before?

3 A. Yes, I have.

4 Q. Can you tell me what this document

5 is?

6 A. This is the trademark for the

7 configuration of the Birkin bag.

8 MR. WARSHAVSKY: We'd offer Exhibit 6

9 into evidence.

10 MR. OPPENHEIM: No objection.

11 (Deposition Exhibit 6 was moved into

12 evidence.)

13 Q. Does Hermès own US trademark

14 registrations for the name Hermès?

15 A. Yes, we do.

16 Q. Can you turn to Exhibit 7.

17 (Deposition Exhibit 7, registered

18 trademarks for the name Hermès beginning with

19 Bates HERMES\_0037508, was marked for

20 identification.)

21 A. (The witness complies.)

22 Q. Have you seen this document before?

23 A. Yes, I have.

24 Q. Can you tell us what this is?

25 A. These are the registered trademarks

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2 for the name Hermès.

3 MR. WARSHAVSKY: We offer Exhibit 7

4 into evidence.

5 MR. OPPENHEIM: No objection.

6 (Deposition Exhibit 7 was moved into

7 evidence.)

8 Q. Now, I've been using the name Hermès

9 quite a bit.

10 Does Hermès of Paris own these

11 registrations?

12 A. No, we do not.

13 Q. Who owns these registrations?

14 A. Hermès International.

15 Q. Does Hermès of Paris have a

16 relationship to these trademark registrations?

17 A. Yes, we have exclusive rights to use

18 these trademarks in the United States.

19 Q. What value does Hermès place on the

20 Birkin trademark?

21 A. It's really invaluable to us.

22 Q. Why is that?

23 A. Because it is our -- it's our most

24 well-known and recognizable product.

25 Q. When you say, it's the most

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2 "recognizable product," what do you mean by that?

3 A. Because of all the publicity,

4 attention, media that's been given to the bag

5 over the many many decades, people recognize the

6 bag from a distance. They recognize it in

7 photographs. They recognize it on the street.

8 It's just a very highly recognizable handbag.

9 MR. OPPENHEIM: Objection, the same

10 as before, Oren. We're just going to put a pin

11 in this and move on. [MOTION] But I'll renew my

12 motion to strike that evidence about what other

13 people think.

14 MR. WARSHAVSKY: Okay.

15 Q. Is the Birkin a significant part of

16 Hermès' business?

17 A. Yes, it is.

18 Q. Can you quantify that?

19 A. Yes, it's our best selling product

20 and we sell -- we've sold a hundred million

21 dollars worth of these handbags, at least, over

22 the last ten years.

23 Q. And that's US dollars?

24 A. Yes.

25 Q. Are there features of the Birkin bag

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2 one time asked him if they made handbags "from  
3 fur" and then you asked if they made handbags  
4 "with fur."  
5 MR. WARSHAVSKY: Sure.  
6 MR. OPPENHEIM: I think given the  
7 specificity of this area...  
8 MR. WARSHAVSKY: Okay.  
9 BY MR. WARSHAVSKY:  
10 Q. Does Hermès commonly make handbags  
11 with fur?  
12 A. No, we do not.  
13 Q. Okay. Does the Birkin handbag itself  
14 ever get media coverage?  
15 A. Yes, it does.  
16 Q. Does Hermès pay for that media  
17 coverage?  
18 A. No, we do not.  
19 Q. Does Hermès ask for that media  
20 coverage?  
21 A. No, we do not.  
22 Q. Okay. So, in what types of  
23 publications or media does Hermès get this media  
24 coverage?  
25 A. You see Birkin coverage in all of the

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2 major magazine titles across the United States  
3 such as Vogue, Harper's Bazaar, New York Times,  
4 the Wall Street Journal, Vanity Fair, even  
5 business publications such as Financial Times and  
6 Forbes. You also see Birkin coverage in  
7 television shows and also movies.  
8 Q. I'm going to ask you to turn to  
9 Exhibit 8.  
10 (Deposition Exhibit 8, editorial  
11 stories on the Birkin bag beginning with Bates  
12 HERMES\_0001602, was marked for identification.)  
13 A. (The witness complies.)  
14 Q. Just look through it for a minute and  
15 then tell me if you're familiar with this  
16 document.  
17 A. Yes, I am.  
18 Q. Can you tell me what this document  
19 is?  
20 A. This is a compilation of many  
21 editorial stories on the Birkin bag in several  
22 magazines over a lengthy period of time.  
23 Q. Did Hermès compile this?  
24 A. Yes, we did.  
25 MR. WARSHAVSKY: We would offer

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2 Exhibit 8 into evidence.  
3 (Deposition Exhibit 8 was moved into  
4 evidence.)  
5 MR. OPPENHEIM: Can I ask a couple of  
6 questions about the timeline?  
7 MR. WARSHAVSKY: If you want to. I  
8 mean, you want to do that on cross or do you want  
9 to do it now?  
10 MR. OPPENHEIM: Before we admit it  
11 into evidence, I mean.  
12 MR. WARSHAVSKY: Go ahead.  
13 MR. OPPENHEIM: I don't know -- I  
14 don't know if I object to that. I have no idea  
15 what it is.  
16 MR. WARSHAVSKY: Okay. Well, you  
17 asked about it before, but it's alright. Yeah,  
18 that's fine.  
19 MR. OPPENHEIM: I don't think so.  
20 Exhibit 8?  
21 MR. WARSHAVSKY: Okay. Go ahead. I  
22 mean, in this case, I think you have. But go  
23 ahead.  
24 MR. OPPENHEIM: Oh.  
25 MR. WARSHAVSKY: But that's okay.

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2 MR. OPPENHEIM: Just give me a second  
3 with Counsel then.  
4 (There is a discussion off the  
5 record.)  
6 MR. OPPENHEIM: Do you know who put  
7 this together, who assembled these documents?  
8 THE WITNESS: Well, we collect all of  
9 the stories and save all of the stories for all  
10 the media coverage we get.  
11 MR. OPPENHEIM: Did you personally  
12 direct someone to assemble these documents or was  
13 this given to you?  
14 THE WITNESS: No, I didn't personally  
15 direct somebody to assemble this.  
16 MR. OPPENHEIM: And this is the  
17 entire assembly of stories or is this an excerpt  
18 from it?  
19 THE WITNESS: No, it's an excerpt.  
20 There are thousands, literally thousands.  
21 MR. OPPENHEIM: So, when was this  
22 subset of those "thousands" of stories put  
23 together?  
24 THE WITNESS: I couldn't give you the  
25 specific date, but recently I would say.

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2 Q. Can you tell us what it is?

3 A. This too is a compilation of Birkin

4 bag appearing in several movies.

5 Q. And who created this?

6 A. Hermès International.

7 Q. And why did Hermès create this?

8 A. Well, because we save -- we all kind

9 of all of the coverage that we get.

10 MR. WARSHAVSKY: We would move

11 Exhibit 10 into evidence.

12 MR. OPPENHEIM: No objection.

13 (Deposition Exhibit 10 was moved into

14 evidence.)

15 Q. Does this press impact Hermès'

16 business?

17 A. Yes, it does.

18 Q. How so?

19 A. It increases the awareness level even

20 more and it creates an even higher demand for the

21 bag.

22 Q. Does Hermès advertise the Birkin bag?

23 A. Yes, we do.

24 Q. I'd like to show you Exhibit 11.

25 (Deposition Exhibit 11, color copy of

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1 ROBERT CHAVEZ

2 one page of a national ad campaign from the early

3 2000s with no Bates, was marked for

4 identification.)

5 Q. Have you ever seen this document

6 before?

7 A. I have, yes.

8 Q. Can you tell us generally what this

9 is?

10 A. This was a part of our national ad

11 campaign back in the early 2000s.

12 Q. And what products are shown in this

13 advertisement?

14 A. In addition to the one scarf there

15 are two Birkin bags featured in this ad.

16 MR. WARSHAVSKY: We move Exhibit 11

17 into evidence.

18 MR. OPPENHEIM: No objection.

19 (Deposition Exhibit 11 was moved into

20 evidence.)

21 Q. Can you please turn to Exhibit 12.

22 (Deposition Exhibit 12, black and

23 white copies of ads with beginning Bates

24 HERMES\_0001406, was marked for identification.)

25 A. Yes.

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2 Q. Have you ever seen Exhibit 12 before?

3 A. Yes, I have.

4 Q. Can you tell us what that is?

5 A. Again, it's a compilation of all of

6 the ad that we just saw appearing in many of the

7 magazines that we advertise in.

8 Q. Did Hermès create this compilation?

9 A. Yes, we did.

10 MR. WARSHAVSKY: We move Exhibit 12

11 into evidence.

12 MR. OPPENHEIM: No objection.

13 (Deposition Exhibit 12 was moved into

14 evidence.)

15 Q. And what was the reaction to this

16 advertisement?

17 A. It was unbelievable.

18 Q. What do you mean by that?

19 A. It created quite a stir in the market

20 and brought huge attention to the Birkin bag

21 again.

22 Q. How much does Hermès spend a year in

23 advertising?

24 A. We spend millions of dollars a year

25 in advertising.

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2 Q. Does that include advertising the

3 Birkin handbag?

4 A. Yes, it does.

5 Q. Where are the Birkin handbags sold?

6 A. They're sold in our stores here in

7 the United States and around the world, Hermès

8 stores.

9 Q. Can a customer buy a Hermès bag on

10 the website?

11 A. No, they cannot.

12 Q. And earlier you spoke a little about

13 demand. I want to go back to that.

14 Can you explain the process from when

15 a customer walks into purchase a Birkin handbag

16 what happens next?

17 A. Yes. Clients come in requesting a

18 Birkin handbag. Most likely, we will not have

19 availability at that time or it's very rare that

20 we would have availability at that time. So we

21 will have a conversation with the client. We

22 will take their wish list and then we will get

23 back to them as soon as we have an idea as to

24 when we think we might be getting a bag in that

25 this is what they're looking for.